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TEAMSTER **CONVOY** **DISPATCH**



VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

June/July 1993 #124

Turn Up the Summer Heat

Crunch Time at UPS

Contract negotiations with UPS are at a critical stage. UPS is spending millions on its "Delivering Our Future" blitz as an investment it hopes will be returned many times over by lowering our expectations, dividing us, and robbing us of our fair share.

But UPS can well afford to treat us right, as evidenced by its own financial reports (see page 7). Our demands are reasonable and they do not put the corporation at risk. It's simply a question of corporate priorities. That's why with less than two months left before the current agreement expires, it's crunch time for UPS Teamsters.

Part-timers in Northern California are doing their part. Leslie Tereck, a UPS part-timer in Martinez, Calif., Local 315, is a rank and file observer to the negotiations of the Nor/Cal supplement and one of the editors of *Part-Timers With an Attitude*.

"The one thing I've learned sitting in negotiations is that what happens on the shop floor is critical," explained Tereck. "Whatever arguments are made, whatever agreements are made are subject to the final decision of the membership, and both sides know it. That's where our power comes in."

That's why rank and file efforts like *Part-Timers With an Attitude* are so important. "We are publishing this newsletter on our own," said Tereck,

"because we know that people appreciate something that they do themselves. We want to get all part-timers involved and familiar with the issues at stake so they'll play an active role."

The first issue of the newsletter was distributed by a still growing committee of part-timers at 10 centers in the Bay Area, from the North Bay to Watsonville. The effort now, with the second issue, is to expand distribution into many of the smaller satellite centers. Also planned is a parking lot meeting at the North Bay Hub in Richmond, and possibly in Oakland.

"I'm kind of wearing two hats right now," said Tereck, "sitting in on the negotiations and being a working Teamster. Our union negotiating committees here and nationally are doing their part. And the union and TDU are getting the crucial information out there to the members. But I can't stress enough, the members are the engine that's really going to move UPS at the bargaining table."

Across the nation in Springfield, Mass., Local 404, full-time steward Jerry Gaimari agreed. "In some ways it was easier to motivate people when the old guard was in power. We knew we had to protect our interests against a sellout, like Presser's '84 extension. But just because Carey's there now doesn't mean we can lay down. We've

got to make noise, show management we're behind our negotiators, we're a union, and if UPS is really serious about settling this contract they'd better get with it!"

In NorCal, the next issue of *Part-Timers With an Attitude* will address why corporations have moved toward part-time jobs to avoid providing decent pensions, health care and other crucial benefits. It will provide a comparison between part-timers at UPS and FedEx that will show how union

representation has made the difference in how workers fare at the two corporations. And to advance rank and file contract organizing, it will cover our legal right to distribute literature and to campaign.

Activities are springing up all over the country. But not enough yet to send a strong message about our purpose and unity. It's time for rank and filers and local unions to pick up our efforts, from now until a fair contract is won this summer.

UPS Bargaining Update

Stop Crying, Start Talking

Master contract bargaining continued in Washington, D.C., May 25-27. It was the same story of the last three months. UPS is not seriously discussing issues, but keeps crying crocodile tears over its favorite theme: we can't afford to address the union's demands because of "the competition."

UPS claims to be concerned about losing volume during protracted negotiations. But despite management's public assurances that bargaining is going well, they keep frittering away precious bargaining sessions.

UPS seems to think it has control of us through its slick "Delivering Our Future" campaign. They feel the brainwashing is working, that they can sell us their preferred contract offer, and that they don't need to deal seriously with our union negotiating team.

Carey and Perrucci are ready to talk issues and solutions. But it's going to be up to us, the rank and file, to send a unified and strong message to management that their strategy is foolhardy, and time is running out. Let's start mobilizing our forces. Solidarity!

Master Contract Bargaining Schedule (Washington, D.C.)

June 14-17
22-25

July 6-9
12-15

UPS in Poorhouse? Uncompetitive? No Way!
See financial report, page 7.



UPSers Joel Hochstetler (l.) and Leslie Tereck (r.) have been selected as rank and file union observers to the UPS Northern California Supplement negotiations. This is the first time rank and file members have been included on the bargaining committee.

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This paper is paid for and distributed by concerned Teamsters, but it is Teamsters. We invite you to do your part—join TDU that it likely will be improve our union. See application with the new contract. The UPS contract expires August 1.

UNION SOLIDARITY

Chavez: a Teamster Homage

Bob Mattingly
Local 896, retired
Oakland, Calif.

How ironic it was for an IBT Local 896 bottler to be in Delano honoring a fallen farm workers' leader, remembering the two times Local 896 was involved with the UFW.

It was during the Bay Area 1971-72 six-month soft-drink strike that the

Cesar Chavez 1927—1993

On April 22, Cesar Chavez, the president of the United Farm Workers (UFW), passed away at the age of 66. The labor movement lost one of our great innovators, but he leaves us a rich legacy. Chavez brought new hope and dignity to farm workers, and new ideas and energy to the labor movement. He fused labor tactics with those of the civil rights movement, and pioneered in building coalitions and corporate campaigns to aid labor struggles.

UFW organizing forced the big growers in the west to begin to treat their workers as human beings. But the growers have succeeded, with their union-busting tactics, in keeping the vast majority of the field workers unorganized. Chavez's dream of organizing all farm workers remains unrealized.

Chavez changed more lives than of those who grow and harvest our food. He changed the lives of thousands of supporters, of volunteers who helped and joined "la causa." I know, because I am one of them.

I was there when thousands of farm workers in the Salinas Valley of California walked out in 1970, organized a successful strike, and beat the big growers (who had signed a sweetheart deal with long-gone Teamster officials). It was an experience that showed me what rank and file workers can do, and an inspiration that helped guide me in building a movement of Teamster members.

—Ken Paff
TDU organizer

bottlers met up with the Farm Workers. The first month or so of the strike, not much was going on. The bottlers passed their time in front of the plants, while the drivers followed scab trucks to the stores, watched the merchandise unloaded and delivered, then followed the trucks back to the plants. The plain truth is we were on strike without knowing much about striking, until the Farm Workers educated us a bit.

First they showed up at a public rally which encouraged us to really go public, and second, they got us to drop our inhibitions, make some noise, and yell some slogans (UP-CHUCK 7-UP!). Soon, most weekends from Fisherman's Wharf to Jack London Square, bottlers, drivers and Farm Workers were noisily informing would-be diners which restaurants were serving struck products (CHOKER ON COKE!). It was fun and safe enough for our families to come along (one kid carried a hand-lettered sign: DON'T CAN MY POP).

Finally in June we went back to work, and exactly a year later the Southern California Teamster proudly told of Mike Falco ("six-foot one, 335 pounds with long hair and a beard ... an impressive sight") and Albert Romero, members of Local 896, and 12 "Teamster rank-and-filers who have joined the WCT agricultural workers program and are affectionately described by Teamster officials and

members as 'The Animals.'"

According to the article, Cesar Chavez was a thief and a thug terrorizing farm workers into shelling out dues to the UFW: "Our presence restrains the Chavistas from storming the vineyards and attacking the workers." ... "I'm a Teamster out here to protect our brothers and sisters."

Today we know the truth that the Teamster hierarchy joined in on the side of the bosses to cripple (literally) a brand of militant unionism that's no less a threat to compliant union officials as it is to the agribusiness giants.

Today we know that befriending a boss was often just another Teamster leadership skill (remember one-time International VP Andy Anderson showing up on the boss' side of the table during the Watsonville 18-month strike?).

The truth, pure and simple, is that Falco, Romero and the rest of the Animals were a goon squad.

All this was on my mind as I walked with 35,000 labor partisans behind Brother Chavez's coffin. I wasn't there to apologize for the past, but rather to make a down payment on the future. I have a vision that one day Farm Workers and New Teamsters will begin a joint organizing drive in the San Joaquin Valley where runaway companies are finding an anti-union haven provided by agribusinesses like Diamond Walnut. Needless to say, the sooner the better.

Teamsters Join Protests at NLRB Offices

The Teamsters union joined other unions and supporters on April 27 in an unprecedented series of direct action protests at regional offices of the National Labor Relations Board (NLRB). Jobs with Justice, a labor-community coalition, coordinated the demonstrations in 30 cities nationwide.

The protests are a positive new tactic to pressure President Clinton and the Congress to act on improving the nation's labor laws and enforcement. The demands include automatic recognition of the union based on card certification from a simple majority of the workers, as done in Europe and Canada. During the Reagan-Bush era, the government failed to stop many U.S. corporations from systematically violating workers' rights to organize.

By 1990, as many as one in 10 workers involved in organizing drives were illegally fired. In March, the Clinton administration established a 10-member committee to examine the 60-year-old National Labor Relations Act, with the goal of issuing a report early next year.

On May 5 at the NLRB headquarters in Washington, D.C., Dennis Rivera, president of N.Y. Health Care Union 1199 and the Rev. Jesse Jackson were arrested at a protest.

TDU International Steering Committee

Co-Chairs:

Pete Camarata, Detroit Local 299
Dan Campbell, Milwaukee Local 344
Diana Kilmury, Vancouver, B.C., Local 155
Michael Sawwoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

David Dethrow, St. Louis Local 688
Debra McBride-Smith, Charlotte, N.C., Local 71
Gordy Teller, Seattle Local 741

Members:

Bilal Chaka, Long Beach, Calif., Local 692
Earl China, Oklahoma City Local 886
Norma Columbus, Oklahoma City Local 886
Joe Fahey, Watsonville, Calif., Local 912
Judith Kehoe, Providence, R.I., Local 64
Steve MacDonald, Vacaville, Calif., Local 490
Michael Ruscigno, New York Local 138
Rick Smith, Atlanta Local 728
Hank Steger, Houston Local 988

Alternates:

Frieda Burgan, Phoenix Local 104 spouse
Dave Kapitula, Wilkes-Barre, Pa., Local 401

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 17-member International Steering Committee was elected in October 1992 for one year. Our Rank & File Convention had nearly 600 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

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How to Contact TDU

We want to hear from you. Contact us at the locations listed below for more information about TDU, or to send us articles or letters concerning Teamster-related issues.

National Office: P.O. Box 10128,
Detroit, Mich., 48210. (313) 842-2600.

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INSIDE OUR UNION

Debate Over Financial Crisis Heats Up

The June issue of the *New Teamster* magazine contains some must reading for Teamsters who are concerned about the future of our union. This material is on pages 17-20, in a feature titled "Putting the Members First, 1992 International Union Financial Report."

We recommend that Teamsters save this issue for future reference, and the following eight pages of financial facts and figures. Over the coming year we will be hearing more about this issue and this information is a good part of

what Teamsters should know.

In response to this information, officials from the old guard have issued another anonymous attack piece. It is four pages long and titled "The Truth About the Ron Carey/TDU Mismanagement of the IBT Finances." (If it's "the Truth," why can't these guys sign it?) This material will be showing up in areas where the officials are in line with R.V. Durham, Larry Brennan, Jack Yager, Jerry Cook and other old guard losers. At a recent trade division conference, it was left at the doors of the hotel rooms in the night.

The financial crisis of the International union has become the number one rallying cry of the old guard. They feel they are going to be able to accuse Carey of being a "tax and spend liberal" and that members will not remember what got us into the problems we have, or be concerned about the solutions.

The "Truth" sheet concentrates on three points, where it claims the *New Teamster* has lied. First, they say Carey has not really saved millions of dollars. They say that in cutting his own salary, selling the limo, etc., Carey has not saved much money. But they list only the symbolic cutbacks, and not the substantial ones: selling the jets (\$2 million a year savings), more effi-

cient and professional operations (with a budget), elimination of the Equity pension plan, discharge of a number of persons on the payroll who were actually working for other affiliates, etc.

Second, the "Truth" sheet says that the old IBT leadership of Presser, McCarthy, Durham et al. did not cause our problems with waste and corruption. They say Carey has caused the problems, by initiating corporate campaigns, hiring organizers, and by hiring "outsiders" and "radicals" as assistants.

The New Teamsters leadership spent just about as much in 1992 as the old regime in 1991 (not counting strike benefits, RICO or special one-time expenses such as the IBT Convention). But the priorities have

begun to shift away from perks and toward membership programs. And apparently that is what the old guard is screaming about.

Third, they say Carey supported a "lunatic idea" of having \$200 strike benefits, and say that there is not "one example of a strike won" because of such benefits. Although they avoid saying it, they seem to want to return to those good old days of \$45 strike benefits. They should just say so. Then we can debate the real issue: go back to that level, or fund our strike fund on a sound basis for \$200 benefits. We know what side we're on in such a debate.

Many of these issues may seem removed from the daily struggles of rank and file Teamsters, but they are important to the future of our union.

We Need a COLA on Pensions

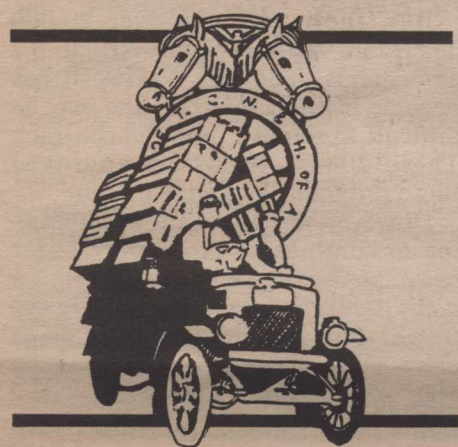
In recent years our Teamster pensions in major funds have been upgraded, due primarily to rank and file organizing. And more improvements should be won in major contracts coming up, starting with UPS.

But a major problem has not been addressed: what starts out as a good monthly pension is eaten away by inflation over time. A pension of \$1500,

for example, may be worth the equivalent of \$500 after 20 years. This is why the issue of cost-of-living adjustments (COLA) in our pension is important.

The Central States, the Western Conference, and some other major Teamster pension funds deal with this by providing a "13th check" to retirees, or to retirees who have been retired for a certain number of years. However, these are woefully inadequate, constituting more of a bonus than a significant cost-of-living adjustment.

As a first step, we propose that the "13th check" be made a regular part of the monthly pensions, to at least establish the principle of upgrading pensions for those who build this Teamsters union. Then we can begin to make those adjustments more in line with what would address the problem of the continual rise of living costs.



Can Pension Improvements Be Won This Year, Or ...

Will Old Guard Block 25-and-Out?

That's the question Teamsters are asking in increasing numbers, especially as the UPS contract deadline approaches. The UPS contract offers the best single chance to win new early retirement benefits, and set a benchmark for many other Teamster contracts that follow.

The answer at this point is "maybe" 25-and-out can be won. The final answer will depend in part on how much rank and file Teamsters are willing to do to get it. It was rank and file pressure and organizing that won us 30-and-out and other pension improvements in recent years, and the same applies now.

UPS Teamsters need to send a clear message to the employer, to the union negotiators, and to the pension trustees that this program is a priority concern, and that we are willing to fight for it. So far, members have indicated their interest on the union surveys and in other ways. But we have not seen a strong movement on the pension issue that tells all involved: we expect and demand major improvements. We cannot expect to sit back and wait for it to fall into our laps from a generous Big Brown.

2 Steps to Win New Benefits

There are two steps to winning new benefits. First, the contract negotiation process. Second, the determination by the trustees of each pension plan on what benefits to provide and at what level.

In the first step, the union will need to negotiate sufficient money from the corporation to maintain health and welfare benefits in the face of high medical inflation. Then, moneys negotiated for benefits above that can go into pension plans to provide new and improved benefits.

Mario Perrucci and Ron Carey, the chief union negotiators for the UPS national contract, are committed to winning a 25-and-out program at a good benefit level. In fact, both of them have paved the way by winning such benefits in their own local union plans, covering locals 177 and 804.

They have asked the various pension plans, including for example the Central States plan, to provide information on what kind of money they would need to provide such benefits.

Central States Trustees— A Blockade?

Regarding the second step, the union trustees of the Central States Pension Fund have consistently been in the employers' pocket and been a blockade to pension increases. Look back at the last major pension improvement, and how we got it. In 1989 and '90 rank and file "pension improvement committees" sprang up all over the nation, in the major funds and some smaller ones. Many of these groups allied with TDU, organized with flyers and meetings, circulated petitions, passed motions in union halls, and turned up the pressure

cooker on officials and pension trustees. Then in 1991, in the midst of the IBT election campaign, after TDU and various pension committees had produced an independent actuarial study proving Central States could afford it, the trustees doubled the 30-and-out benefit from \$1000 to \$2000. Suddenly they "found" the money to do that, as the election loomed and with members breathing down their necks.

Those same old guard officials who lost the IBT election still control the union trustees in Central States and other funds. They are not going to go out of their way to help either the rank and file, or to help Carey deliver new benefits. The only people they go out of their way for are the employers, who want to hold the line on benefits so there are not more pressures for higher contribution levels.

Virginia freight Teamsters are already getting a 25-and-out at \$2000, even before the new contract (see box). Central States has to hear from us that they have to at least match that level. A combination of pressure from the IBT leadership and the rank and file will be necessary to break any possible benefit blockade.

The same situation applies in the Western Conference Pension Trust, where the 30-and-out benefit is called "Golden 85" (age plus years of service). The 85 needs to come down to 75 to make it comparable to a 25-and-out plan.

Virginia Teamsters Get 25-and-Out

The Joint Council 83 Pension Plan, covering the state of Virginia, has put into place a 25-and-out pension at \$2000 per month for freight Teamsters. The 30-and-out benefit is \$2500. This makes it one of the best early retirement benefits among Teamster plans. The benefit is payable at any age, after 25 or 30 years of service.

Presently the new benefit schedule is available only to Teamsters under the NMFA, and under contracts where the pension contributions match those of the NMFA. It is not yet available to UPS Teamsters, but it is expected that it likely will be with the new contract. The UPS contract expires August 1.

FREIGHT NEWS

St. J Teamsters Approve 9% Pay Cut

Article 6 Deals Show Need to Organize

The depressed state of the freight industry has led to a new round of moves by regional carriers to gain wage concessions, in the form of profit-sharing plans allowed under Article 6, Section 2 of the NMFA. First Preston Trucking and now St. Johnsbury have implemented such plans. Churchill, a Midwest regional carrier, also has attempted one.

In early May, St. Johnsbury's move to get a 12% wage reduction failed to receive the 75% membership vote necessary under Article 6.2, with 57% of the Teamster employees voting yes and 43% rejecting the deal. Even before all the votes were counted, St. J was asking for another vote and reducing its demand to 9%, matching what Preston got earlier this year. On May 26, that sweetened offer passed easily.

Teamster Locals Take on Viking

Several locals in the Western Conference, led by Los Angeles Local 63, have initiated a grass-roots campaign to organize Viking Freight. Viking is the wholly owned non-union subsidiary of Roadway. Specifically targeted are the 550 to 600 line drivers where interest in the union has been evident for years.

The Viking Freight Organizing Committee has established a headquarters in the Rialto office of Local 63. Viking drivers are volunteering

Proxy Campaign Shakes Up CF

Some 200 Teamster officials and rank and file members descended on

Churchill, which also sought a 12% wage reduction, saw its plan fail, with 63% approving, shy of 75%.

The 1988 NMFA, which was rejected by 64% of freight Teamsters yet imposed as a result of the then existing two-thirds rule, introduced Article 6.2 into the freight contract. This language grants employers the right to seek wage concessions from Teamster employees if they establish a profit-sharing plan that meets the guidelines set up by the negotiating committee, and the 75% membership ratification.

Article 6.2 Guidelines

Any employer can submit a profit-sharing proposal to a vote of their Teamster employees, if it follows the 22-point guidelines that detail the rules and functions of profit-sharing

their time to talk with other employees who call in on the free 800 number established for the campaign. As the campaign spreads, drivers from Roadway and other unionized carriers who meet Viking drivers on the road are distributing leaflets, talking on the CB, carrying the confidential authorization cards, and signing up Viking drivers as they meet them.

Among the key issues being stressed

continued on page 5

plans. The guidelines require equal sacrifice and participation in the plan from the non-bargaining unit employees. Progression to top rate under the plan must take no more than 18 months, with new hires starting at a rate no lower than 80% of the NMFA. The Teamsters have the right to utilize an independent audit to examine the company's financial records. The most interesting language required in the guidelines prohibits companies from establishing non-union LTL carriers. If a company acquires a non-union LTL carrier, the union has the right to organize that carrier and bring it into the union upon showing a majority of union recognition cards.

R.V. Durham, who bargained the last NMFA that included this clause, recently has attacked Ron Carey for the latest round of such deals, apparently forgetting that he bargained and recommended it. At the same time, he also has attacked Carey for not giving concessions to North Penn Truck Lines even greater than the 15% maximum allowed under Article 6.2.

R.V. seems to speak out of both sides of his mouth. Durham has blamed Carey for North Penn's closing, saying Carey was "too concerned about no concessions."

Because 75% of their employees must vote for the deal before it goes through, it would be impossible for profitable carriers (such as the Big Three) to get such concessions. The companies that have gotten their employees to approve these deals have often been those that are on the skids. Most of them went out of business anyway.

But, there are now over 20,000 Teamsters working under Article 6.2 agreements under the NMFA. It has become institutionalized, and may be difficult to remove from the contract. These 20,000 Teamsters approved these programs by a wide margin.

However, we cannot allow whipsawing to continue to erode our master contract. We all know that the union is the only real "regulation" left in the freight industry, and the solution is to extend that regulation, through a long-range organizing strategy.

Freight Lines

Employers Vow to Fight Anti-Scab Bill.

American Trucking Associations leaders fiercely spoke out against the proposed anti-striker replacement legislation in their mouthpiece, *Transport Topics*. ATA chairman and trucking employer Roger Robertson declared that a ban on striker replacements is "the one issue where I would take my trucks and circle the White House." ATA President Thomas Donohue claimed that the legislation would give labor "a tremendous leg up" in contract negotiations and grievances, and an open invitation to organize non-union carriers.

Emery Wins Postal Contract.

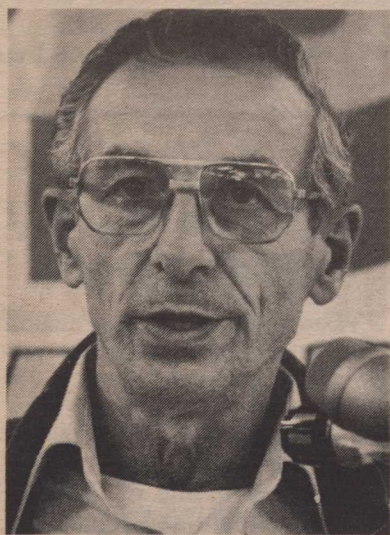
Emery Worldwide, the air freight subsidiary of CF Inc., was recently awarded a 10-year, \$1.15 billion contract by the U.S. Postal Service to transport Express Mail and Priority Mail. The contract came as part of a lawsuit settlement between the Postal Service, Emery, Postal Air and Express One International. In the first quarter of 1993, Emery posted operating losses of \$4.67 million, on revenues of \$284.8 million. In other Emery news, congratulations to Milwaukee Local 344, which successfully organized the 24 Emery workers there.

Roadway to Enter Air Freight Market.

Roadway Services recently announced plans to enter the heavy air freight business with a start-up carrier in September. The new company, Roadway Global Air (RGA), will concentrate on the 25 pounds and over market. The air carrier will provide next day, second day and deferred service. RGA will establish an air freight hub in Terre Haute, Ind., and will operate a fleet of leased aircraft. Donald Berger, the former head of CF Inc.'s air freight division, has been chosen to head RGA. Roadway Services anticipates spending \$100 million to start up RGA and to underwrite operating losses, which are expected to peak in 1994.

ConQuest Intermodal Expands.

ConQuest Intermodal, a premium container service offered by Con-Way Intermodal (CWI), is expanding to Columbus, Ohio, Charlotte, N.C., and Memphis, Tenn. CWI also has recently started the only 48-foot double stack service between Atlanta and Dallas. Con-Way Transportation Services also recently spent \$4.9 million to add 350 new 48-foot containers and 300 chassis to the ConQuest Intermodal fleet.



Frank Greco
Local 478, Edison, N.J., retired
CF employee-shareholder

We built this company into one of the largest LTL freight carriers. What I saw from top management at the shareholders meeting was an attempt to stifle democratic accountability to their shareholders. Management's actions clearly show that the new corporate democracy they preach in EXCEL is a dangerous hoax.

Leader Says Members 'Proud and Strong'

Last fall, Lucio Reyes was elected secretary-treasurer (principal officer) of Stockton, Calif., Local 601. At the time of his election he was on strike at Diamond Walnut. Since assuming his new position he has aggressively pursued victory at Diamond Walnut by exploring every possible avenue to put pressure on the company. *Convoy Dispatch* interviewed brother Reyes about the progress of the strike.

CD: Diamond Walnut workers have been on strike for over 20 months. How did the strike get started in the first place?

LR: By the company being unfair and greedy. In 1985, the employees took from 33% to 43% cuts in wages and benefits overall to help the company, which was going into bankruptcy at that time. The company went to the employees and said "we need your help." The company was in big trouble, so the employees, knowing what was going on, helped out. Not only did they take all these concessions, they came up with ideas on how to rebuild the company. They formed task force committees on ways the company could save money. They helped bring the company back onto its feet. Not only did we bring them back on their feet, we put them in the Fortune 500. So in 1991 when the contract came up, the employees were looking to recover some of their losses, to get a little something in return for the sacrifices they had made. Instead, Diamond Walnut wanted more concessions. The employees couldn't take any more. Instead of saying thank you, Diamond Walnut pushed the employees out on strike.

CD: It is tough for people to be on strike for such a long time. How have the strikers held up under the pressure?

LR: Very well. The thing that has been pushing them to fight so hard is they feel this is a fight they have to do, not only for themselves but for all their co-workers in this area. We can't let the large growers' cooperative get away with this. Some strikers have lost their homes, education for their children, but they are determined to win. The strike is looking good at this time. Diamond is losing business left

and right. Nabisco is the most recent large company to have stopped using Diamond Walnuts completely. The boycott is having a big effect.

CD: You've won some recent NLRB decisions against the company. How do you expect these decisions to affect the overall struggle?

LR: We have won eight decisions, and each one has made the strikers feel very good, very proud and strong. It has helped morale. We have concentrated not on the picket line, but on being at the stores, to see that the goods don't go on the shelves. We've sent strikers around the country to continue the boycott. We feel the boycott is the way we are going to win. The NLRB decisions we are winning are costing the company tons of money for attorneys. We just won the last decision at the national level, overturning the regional decision. If Diamond had put one-tenth what they've spent to fight the workers on the table for the bargaining unit, the strike would be over. They're risking everything for nothing.

Every victory from the NLRB is a big one for us. If we overturn the decision on this last decertification election, that will probably do it. That's what the company is waiting for.

CD: The International union has jumped into this situation with both feet, promoting an international boycott. How helpful has that been?

LR: I should make it clear that the past administration didn't do anything. When Ron Carey came into office we were eight months behind in getting the boycott started. At this time I can say that Carey is doing everything within the power of the International. For the first time in the history of the Teamsters we have communicated with a Japanese labor confederation representing 80 unions in Japan who have pledged their cooperation with our struggle. This is the New Teamsters. We have nothing but cooperation when the strikers go out for support. We are confident we are going to win with the backing of the International.

CD: It seems the \$200 a week strike benefits have been a big help as well.

LR: If we didn't have the \$200 a week this would have been lost. No one can survive on \$45-\$55 benefits a week.

CD: We understand you have some pretty exciting activities planned for the near future. Tell us about them.

LR: On the 26th of May we are going to have the United Farm Workers here in Stockton, the strikers, leaders of the community and other labor organizations joining hands to support one another. Cesar Chavez led the way, but the struggle will continue more than ever. We are all AFL-CIO brothers and sisters, and we all need each other in our struggles. We want to let the press, the media and all the community know that we and the United Farm Workers are joining hands in the struggle.

On May 27 at 6 a.m. we are going to have a big rally in front of Diamond. At 7 o'clock there will be a breakfast in the church and at 8 o'clock 25 women will leave to go across country, making stops all over to promote getting rid of the permanent replacement law. We know that we can do it. We sent one of the strikers to testify at the Senate. She made a big commotion. If one of them can create that commotion, 25 will make the people change the laws. They will make people understand that it's very difficult for people to live under these conditions. We need to protect our jobs and futures in this country. Workers need the right to fight against greedy, unjust employers.

CD: We understand our good friend Diana Kilmury is driving the bus.

LR: Yes, Diana Kilmury, our International VP at large, will be driving the bus. I am very proud and happy to say that Diana is a hard worker who believes in what she's doing, and Local 601 stands behind her 100%. She will represent the International in this historic event for us.



Lucio Reyes, Local 601 secretary-treasurer

CD: Our readers are good Teamsters, and I'm sure they're very sympathetic to your struggle. What can they do as individuals and trade unionists to help the strike?

LR: The first thing that everyone can do is not to purchase any Diamond Walnuts. That is the only way we're going to win the strike. A letter of support to the strikers, just a few minutes of your time, and any contribution you can make is always appreciated. We hold dinners for the strikers, provide food and clothing, we're funding the cross-country bus trip, and we need contributions. But the main thing is to not buy Diamond Walnuts.

Contributions, letters of support or requests for more information about the Diamond Walnut strike may be sent to Diamond Walnut Boycott Campaign, c/o Teamsters Local 601, 745 East Miner Ave., Stockton, Calif. 95202.

Teamster Locals Take on Viking

continued from page 4

in the campaign are the need for a grievance procedure and a real pension. "Favoritism is rampant at Viking and a collective bargaining agreement with a grievance procedure that guarantees equal treatment to all employees is our only chance for dignity on the job," said Bill Story, a line driver for Viking for the last four years.

Pensions are another hot issue. Viking has a 401(K) plan, but that is far inferior to a strong Teamster pension. Without a Teamster pension there is little hope Viking drivers will ever have the opportunity to retire with dignity.

According to Bill Story, the key to the campaign is active support from rank and file Teamsters throughout the Western Conference who are covered by the National Master Freight Agreement. "Any Teamster driver," he said, "who would like to help us with this campaign is invited to call us at our toll-free number: 1-

800-576-0280. I'm also asking them to approach their local unions and strongly urge them to become actively and aggressively involved in this campaign. The future of the entire freight industry, all of us and our families, depends on our ability to organize non-union carriers like Viking into the Teamsters."

Order Convoy Dispatch By the Bundle

Convoy Dispatch is a great source of news, and TDU's best recruiter. Want to help keep other Teamsters informed and build TDU? Order a bundle to distribute each issue.

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Members of Local 601 marched in the Stockton, Calif., Cinco de Mayo parade on May 2. Other banners promoted the Diamond Walnut boycott. The contingent was met with cheers from members of the community along the route.

UNITED PARCEL SERVICE

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"How many hours are you getting, the guarantee?" asked Jill.

"No, I'm getting about 20 hours a week," said Jack. "Simon says keeping those hours should be no problem, as long as we don't lose volume to the competition."

"OK, forget Simon for a minute," Jill said. "That means you get about 1000 hours a year. Now let's pretend we each get our choice. You take that \$500 bonus, which works out to about 50 cents an hour. And I take a 50-cent an hour raise."

"Hey, I want the raise, too," said Simon.

"Sure you do, but right now I'm trying to make a point, so listen up. You got your \$500 signing bonus. In fact, it's a three-year contract, Jack, so I'll give you \$500 on August 1st for three years."

"1500 bucks? Thanks, Jill! Now I can buy those Bose speakers to go with my CD player."

"You're welcome. And I'm going to take a 50-cent raise on August 1st for three years."

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"I told you that was my choice. You got your bonuses. I work about 1000 hours a year, too, so at the end of the first year we've both made \$500. Are you with me?"

"Yea, yea. But I got my check up front," said Jack.

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"And here's what I got, Jack. Over the life of that three-year contract I made \$500 the first year, another \$1000 the second year, and another \$1500 the third year—a total of \$3000. Twice what you made, plus I'm now making \$1.50 more an hour than you at the start of the next contract."

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SAVE YOUR MONEY!

Part-Time—Full-Time Solidarity!

Is This the Same UPS We Hear About in 'Future' Meetings?

UPS: \$40 Billion by 2000 'Not Out of Ball Park'

Publicly, to employees (especially those with customer contact) and to its shippers, UPS is reassuring everyone that negotiations are going

well and it expects an amicable contract settlement, even before July 31.

Meanwhile, UPS is using its resources to try to convince us that it cannot possibly afford a fair contract and that we must be out to break the company if we say it can. In negotiations you would think that a corporation so fixed on the competition, so worried about volume loss, and so sure about settling the contract would be talking about solutions. Instead, UPS is still stonewalling and crying that it's not as rich and powerful as its own financial reports and industry analysts indicate.

The truth is that UPS is a phenomenally profitable corporation. It can well afford to meet any reasonable Teamster contract demands.

Revenues, Profits Soar

For the giant that it is, UPS's 10% revenue growth from \$15 billion in 1991 to a record \$16.5 billion in 1992 was outstanding. Though operating expenses rose 10.7% to \$15.2 billion, its operating ratio of operating expenses to revenues was 92.3%, very good in relation to most trucking and other transportation companies. That operating expenses increased (slightly)

ly) faster last year than revenues was not due to increasing wages and benefits. Total costs of wages and benefits to all employees (management and hourly, including the 3.5% rise in total employees) increased only 9.9%.

UPS's pre-tax profits rose only 4.3% in 1992. But due to what the UPS annual report calls "a decrease in the effective income tax rate," net (after-tax) profits increased double that rate, to 9.3%. Net profits were a near-record \$765 million, second only to 1987.

If UPS were a publicly traded corporation, it would rank 23rd in revenues (sales) and 21st in net profits after taxes among the Fortune 500.

Accounting Change Doesn't Affect Profits

UPS decided to record \$249 million of its net profits as a "charge" for benefits to be paid to employees in the future. GM, Ford and many other companies are complying with a new government-mandated accounting rule (FASB rule 106) to record health care liabilities incurred by future retirees on current balance sheets.

This charge against 1992 profits is a

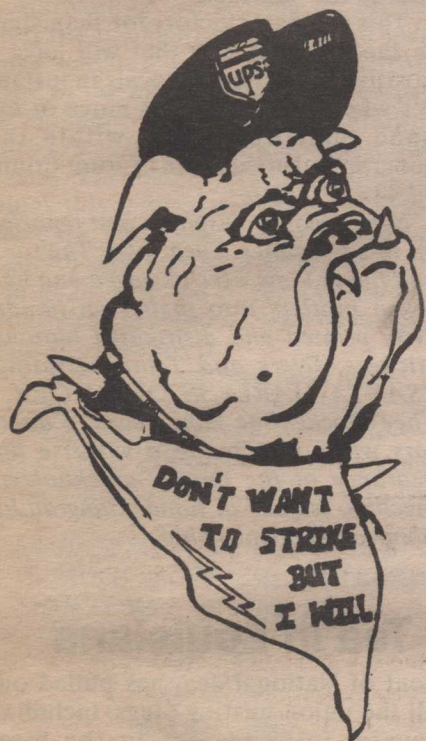
"one-time only" accounting maneuver—which they decided to take the year before negotiations—that says nothing about UPS's financial performance. It merely reflects UPS's change from recording the costs of its benefit programs on a "pay as you go" basis to a more conservative standard. The important point is that for UPS this chunk of profit is still "money in the bank" until it is eventually paid out in benefits.

Overseas Losses Drain Profits

Another matter UPS management has not been eager to discuss with rank and file Teamsters is that by far the biggest drain has been the large losses suffered in its international expansion. UPS lost over \$276 million on its foreign operations in 1992, up from losses of nearly \$254 million in 1991. Only a corporation making stupendous profits on its domestic U.S. operations could afford these continuing losses abroad.

In its annual report, UPS says that it "expects the costs of operating its international business to continue to exceed revenue. ..." Of course, eventually UPS expects this expansion to

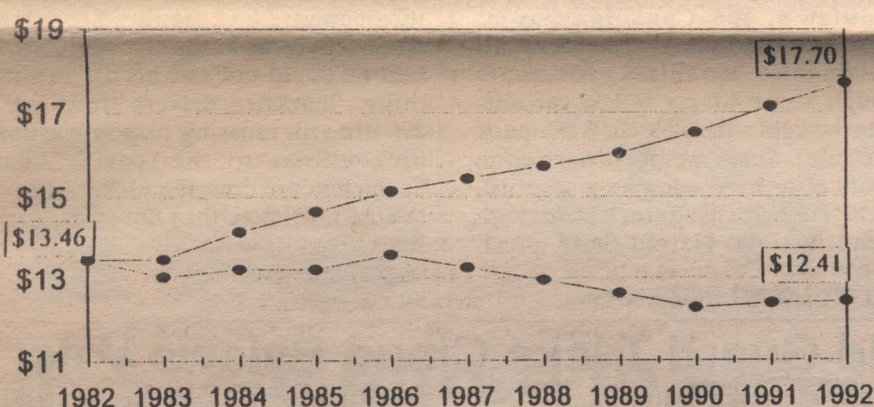
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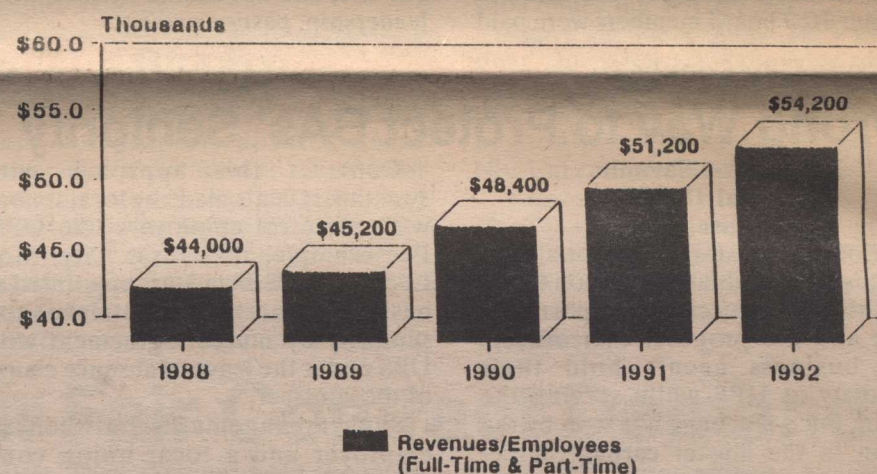
CONTRACT WATCHDOG

1. Full-Time Wages Are Up, But They Buy Less ...

Real wages down 7%-8%

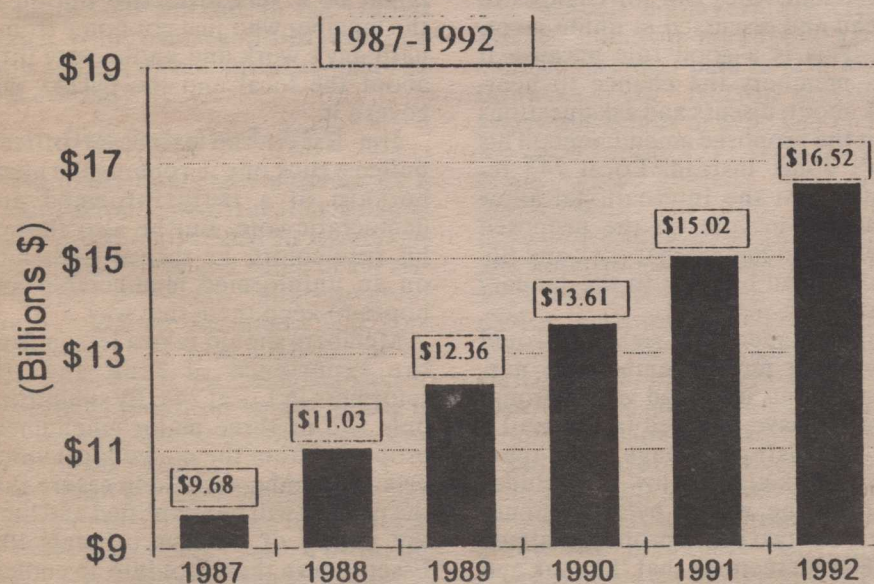


2. Our Productivity Is Booming ...



3. UPS Continues Record Growth ...

Total revenue growth



4. And UPS Shareholders (Management) ... Are Reaping the Rewards

1992 Compensation to Top UPS Officers

Officer	Salaries & Bonuses		Total	%Increase
	Salary	Bonus		
Kent "Oz" Nelson	\$580,000	\$130,048	\$710,048	14.3
John W. Alden	\$300,500	\$72,852	\$373,352	16.1
Edwin A. Jacoby	\$300,500	\$80,000	\$380,500	16.3
James P. Kelly	\$334,500	\$84,270	\$418,770	27.6
Donald W. Layden	\$331,750	\$80,511	\$412,261	13.1
Officer	Shares Owned & Value		Value @ \$18.75*	
	Shares Owned			
Kent "Oz" Nelson	365,853		\$6,859,744	
John W. Alden	114,430		\$2,145,562	
Edwin A. Jacoby	220,461		\$4,133,644	
James P. Kelly	149,051		\$2,794,706	
Donald W. Layden	360,460		\$6,758,625	
John W. Rogers	683,165		\$12,809,344	
Paul Oberkotter	3,758,895		\$70,479,281	

* Does not include dividends paid at 50 cents per share. (Additional members of the UPS board are not listed.)

Sources: UPS Reports to Shareholders, SEC, ICC; thanks to Frank Thompson, an economist at the University of Michigan, for data analysis.

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CARHAUL NEWS

Battle Over Stewards' Rights at Grievance Panels

Stewards Are Union's Future Leaders

Carhaulers are gearing up for the next round of national grievance hearings scheduled for July in Detroit. One of the main interests of stewards is whether or not they will be allowed into grievances that are not their own cases. The employers have tried to block this reform, to keep stewards in the dark. This issue is also part of the dispute between Ron Carey and the old guard officials in the Central and Southern conferences, who have sided with the employers.

The New Teamsters have made it known that stewards attending, observing and learning from the experience of grievance panel hearings is a high priority. After all, the

employers have been the benefactors of such privileges all along. In the spirit of fair play alone this seems only right that stewards, who are the backbone of our union—our front line soldiers—be allowed to have equal access to the panels.

Carhaulers strongly backed the Ron Carey Slate and are demanding grievance reform. Allowing stewards into all panel hearings is only one small piece of that pie, and a necessary one. Why should we allow the employers to dictate who the union's representatives are at the panels, be it a steward, officer, or a concerned rank and file member? Stewards are potential leaders of tomorrow and we need

to be prepared for the possibility that they will some day be responsible for sitting on the panels, negotiating our national contracts, running local unions, or our International.

The affected and concerned stewards should be in Detroit in July when the grievance panels convene, and should take their rightful place in those hearings.

The Legal Rights of Union Stewards

A comprehensive explanation of the rights of union stewards, officers and business agents. Written in an easy-to-read, question-and-answer format by attorney Robert Schwartz. Topics include the right to information, duty of fair representation, Weingarten rights, and protecting the grievance process.

Price: \$9.95 each (postage and handling included); \$8.95 each for 5 or more.

Please send me _____ copies.

Amount enclosed \$ _____

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Send to: TDU, Box 10128, Detroit, Mich. 48210

MANAGEMENT IN THE 1990'S
IS MUCH MORE ENLIGHTENED
THAN IT WAS IN THE PAST.



BACK THEN, BOSSES ABUSED
THEIR WORKERS.



BUT, TODAY, EMPLOYEES ARE
INVITED TO PARTICIPATE IN
MANAGEMENT...



...BY ABUSING EACH OTHER
INSTEAD!



©1993 HUCK/KONOPACK LABOR CARTOONS

Sacramento, Calif.

Workers, Unions Press Safeway Suits

Some 200 Teamster and ILWU drivers and warehouse workers in Sacramento, Calif., have contributed a total of \$20,000 to start a federal suit against Safeway.

(Safeway) severance deal requiring every worker to sign an individual, unconditional release, Teamster Local 150 and ILWU Local 17 filed separate suits under the WARN Act.

Angry members blame JC 7 President Chuck Mack for reneging on his written support for their job rights in the final stage of the controversial negotiations that destabilized the Nor/Cal chainstore labor market.

Veteran Local 150 driver Bill Caudle is angry too, but not at all surprised since he believes Mack fumbled the 1984 negotiations when members lost nearly a million dollars in claims.

Grocery

The suit claims that the workers were not properly notified under provisions of the Worker Adjustment and Retraining Notification Act (WARN) of the job loss linked to the opening of a new Tracy distribution center operated for Safeway and located about an hour away.

After workers rejected a Transco

UPS Can Afford to Meet Our Fair Contract Demands

continued from page 7

pay off in a major way. But the plain fact remains that UPS is funding its tremendous worldwide expansion off continuing record profits from hard-working UPS workers in the United States. When overseas profits do come in, is there a means for us to share in that success? No.

How Profitable Is UPS?

The most important measure of a corporation's profitability is how much profit it provided its owners in proportion to the net value of the assets they own—its "shareowners' equity." Among the largest U.S. corporations, UPS is in a league of its own. Most break out the champagne if the rate of profit on equity makes it into even the lowest double digits. For UPS, this is routine.

In 1992, UPS's pre-tax rate of profit on equity was 34.1%, up from 31.4% in 1991. Even the net rate of profit on equity was comfortably in solid double digits: 20.6% in 1992, up from 18.1% in 1991. Those of us who have savings accounts or bank CDs have to be con-

tent with a return on our equity of about 3%.

Who Owns UPS and Reaps Profits?

UPS stock is owned by its managers. But not all managers are created equal. The top managers are, of course, very well paid in salaries and bonuses. "Oz" Nelson received a salary and bonus of \$710,048 in 1992, up 14.3% from 1991 (not including stock and 50-cent per share dividends). The top five UPS managers split \$2.3 million in salary and bonuses in 1992, up 16.9% from 1991. Compare this with the wage and COLA increases of a UPS full-timer, about 3.5% to 3.8% depending on classification. And part-timers? Well, many of our part-time brothers and sisters are among the working poor.

But the real payoff to top managers comes as UPS stock. Although most UPS managers own a little UPS stock, a few top managers (working or retired) own a lot of UPS stock. These managers receive "options" to buy stock at a fixed price long after the stock has enormously increased in

value. Then they can hold the stock, receiving a flow of cash dividends—in addition to their salaries and bonuses—or sell the stock back to UPS at a much higher price than they bought it for. UPS paid out over \$293 million in cash dividends alone to shareowners in 1992—and \$1.46 billion from 1988 through 1992 (during that same five-year period our productivity rose 23.2%)!

According to documents filed with the U.S. Securities and Exchange Commission in April, 11 members of the UPS board of directors own in excess of 100,000 shares of UPS stock each (see chart, page 7). Retired chairman Paul Oberkotter owns over 3.75 million shares with his family. At the last report of \$18.75 a share, Oberkotter's UPS stock thus amounts to over \$70 million in personal wealth. Oz Nelson is on his way to super riches as well. His 365,853 shares are worth nearly \$7 million.

The Bottom Line

In a recent *Business Week* article, "After a U-Turn, UPS Really Delivers"

(May 31), a transportation analyst for Donaldson, Lufkin & Jenrette Securities Corp. said, "It's awesome, given their size, that they grow as fast as they do."

And on May 10 the industry weekly *Transport Topics* reported, "UPS clearly expects its growth to continue, with a greater percentage of its business coming from overseas, air express and other transportation and logistics services. ... Mr. Sternad (a UPS spokesman) said a figure recently publicized by the Teamsters union—\$40 billion by the year 2000—is not out of the ball park."

How does management keep a straight face when they tell us and our union negotiating team that they can't afford contract improvements? It's really just a matter of what their priorities are.

It is up to every rank and file Teamster at UPS to unify now and make management understand that it's our turn to be at the top of that priorities list, and to get the respect and fair share that we deserve. Spread the word.

Your Rights: Americans With Disabilities Act

Suppose you are an over-the-road driver who gets in an accident. As a result, your back and leg are badly injured. You go out on workers compensation, recover substantially, and want to go back to work. Your doctor says you can drive a truck again, but you can't lift over 25 pounds or walk more than limited distances. Your boss tells you his boss is afraid you'll hurt yourself again, and they can't take you back because your driving job occasionally required you to assist in loading and unloading freight.

What can you do? In the past, workers comp might entitle you to some disability payments, and require your employer to try to find you a job you could do with your restrictions (probably earning minimum wage). Now, under the Americans with Disabilities Act (ADA), you may also be entitled to keep your present job as a driver, and the employer may have to accommodate your disability. (Your ADA rights are in addition to your workers comp rights.)

The ADA was enacted to protect the 43 million Americans who are disabled. It is the first major federal anti-discrimination law since the Pregnancy Act of 1978. Title I of the ADA, which prohibits discrimination in employment, became effective in July

1992. Since then, over 7,000 ADA charges have been filed with the Equal Employment Opportunity Commission (EEOC), the federal agency enforcing the ADA.

The core of the ADA states:

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to ... terms, conditions and privileges of employment. ... The term discriminate includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability.

Who Is Covered?

Individuals with permanent, substantial disabilities, whether physical or mental, are protected from discrimination under the ADA. Those with temporary or minor disabilities are not. Sometimes it is difficult to determine whether a disability falls under the ADA. In evaluating this question, the EEOC will look to how much effect the disability has on the person's major life functions, such as seeing, walking, breathing, thinking and working. If the disability severely impairs one of these functions, it probably falls under the law.

For example, a person with severe asthma, who blacks out and must take daily medication to control the asthma, is probably covered under the act. A person with allergies that occasionally flair up would not be. Our truck driver is probably protected under the act because he is unable to walk more than a short distance.

The law also prohibits discrimination against people with a record of a disability, such as cancer patients in remission or recovered alcoholics, and those who are regarded as disabled, such as people with severe disfigurements.

In order to be protected under the ADA, the applicant or employee with a disability must be able to perform the "essential functions" of the job in question. In determining what is an essential function, common sense should govern; essential functions are the job duties that take up most of your time and that can't be easily reassigned or eliminated. If you are able to perform the essential functions, the employer must consider you for the job, even if you cannot perform marginal duties that the employer argues are a part of the job.

In the case of our truck driver, the employer probably can't refuse reinstatement just because the driver can't load and unload freight, if there is a dock worker to do this work. However, if the company has only a handful of employees, loading may become an essential function because no one else can do it, and that employer may refuse reinstatement.

Kinds of Discrimination Prohibited

Like the other federal anti-discrimination laws, the ADA prohibits discrimination in all aspects of employment. This includes hiring, firing, promotions, layoffs and benefits. The employer cannot require

higher insurance co-payments or contributions, for example, from a person with a disability, even if the disability causes insurance rates to rise. In addition to prohibiting discrimination by employers, the law prohibits discrimination by unions and employment agencies.

The employer must make the application process accessible to a person with a disability. For example, in the case of a sight impaired individual, this may require application or test forms in braille, or in an audible form. Tests and job requirements must relate to the job duties, and cannot be used as a subterfuge to screen out the disabled.

The employer is also prohibited from asking job applicants about their disability or workers comp claims, and from requiring applicants to take a medical exam, although pre-employment drug screens are permitted.

Discrimination based on stereotypes or protective instincts on the part of the employer is clearly prohibited. In the case of the truck driver, the employer cannot refuse reinstatement because of his fear that the employee might reinjure himself. Only where an employer can prove by medical evidence that the employment of a person with a disability poses a direct threat or severe harm to that person or another employee can the employer refuse placement.

What's Reasonable Accommodation?

The ADA requires the employer to consider whether a person with a known disability can perform a job's essential functions with or without reasonable accommodation.

Reasonable accommodation can mean several things. The employer might be required to provide the applicant or employee with a disability with assistive equipment, restructure the hours of the job, or tolerate absences so the person can get necessary medical treatments or recover from illness. The first ADA case to be tried involved an employee with inoperable brain cancer who had been fired. A federal jury ruled in favor of the EEOC and the employee, and in doing so rejected the employer's arguments that the employee had performance problems because of his excessive absenteeism. The jury found that the employee had successfully performed his job, in spite of his irregular work hours.

Other reasonable accommodations might be restructuring the workplace to clear corridors and work areas for a person in a wheelchair, changing work rules that hinder the employee and are not necessary to operations, or providing personnel assistance such as readers or interpreters.

It is important to know that the ADA only prohibits discrimination against known disabilities. Suppose the employer fires the asthmatic who misses too many days of work because of illness caused by a smoke-filled work environment. In that case, an accommodation such as giving the asthmatic a separate office, or moving him to a smoke-free area, might easily

be made. However, the accommodation is not required if the employer did not know about the disability. In fact, the employer has not violated the ADA in firing the employee if he did not know about the asthma.

Therefore, if you seek an accommodation and your disability is not obvious, your first step should be to let the employer know that you have a

NEWS YOU CAN USE

disability and ask for the accommodation you think you need to perform the job.

What Relief Is Available?

Individuals who are discriminated against are entitled to be "made whole." In the case of people who are not hired or are terminated, this can include a job offer or reinstatement. Back pay and lost benefits are also available. For those who suffer other financial losses, emotional distress or humiliation, compensatory damages may be awarded. Where the discrimination is intentional or done with reckless disregard for the employee's rights, punitive damages may also be available. Right now, a cap on compensatory or punitive damages limits them to \$300,000.

General Considerations

The ADA recognizes the rights of those with disabilities to work. In the few months since it has been on the books, it is clear that much of the discrimination against those with disabilities is based on false stereotypes and irrational fears that employing the disabled will cost too much money. While the ADA was being considered by Congress, the reasonable accommodation portion was a major sticking point, opposed vociferously by many employer groups who argued that the cost would be prohibitive. However, many effective accommodations prove to cost nothing, others less than \$100.

Because the ADA is a new and complex law, many questions have no clear-cut answers. Various agencies and publications are available to assist you if you are a person with a disability. ADA materials are also available from the EEOC by calling 1-800-669-3362. If you have questions about a specific situation, call the EEOC ADA information line at 1-202-663-4691.

Many union contracts already have a clause that would prohibit discrimination under the ADA. For example, Article 36 of the UPS contract states that all discriminatory acts prohibited by law are prohibited under the contract. Other union agreements will probably add ADA language to existing anti-discrimination clauses. Therefore, if you want to pursue your ADA rights, you must first look to your grievance procedure.

Filing ADA Charges

Charges alleging a violation of the ADA, or alleging discrimination on the basis of race, sex, age, religion or ethnic origin can be filed with any EEOC office. Call 1-800-669-4000 for the one nearest you. Some states and cities also have fair employment offices.

Charges must generally be filed within 180 days of your knowledge of the act that hurt you, such as firing, failure to hire, denial of promotion, or failure to accommodate.

The EEOC will ask you to fill out a charge form. An investigator will then take a detailed affidavit from you if she feels your charge meets the minimum requirements. Be prepared with names, dates and times, and to explain why you have a valid charge. Under the ADA this means showing that you are a person with a permanent disability that "substantially affects a major life function," and that you could do the essential elements of a job, with or without reasonable accommodation. If you requested accommodation from your employer, be able to state why it was reasonable and effective.

If witnesses are important to your case, have telephone numbers and be able to tell the investigator what the witness knows that is relevant to your case.

If the EEOC or state agency does not pursue your charge, you have the right to file suit in federal court.

LETTERS FROM OUR MEMBERS

Small Price to Pay For Strike Benefits

I am writing this letter in reference to your article on the Teamster strike fund.

After 31 years of being a Teamster it finally happened to me, I went out on strike against my employer. I work in the show trade industry in Atlantic City that books conventions. As of the date of this letter (May 5) I have been on strike for over 15 months. I have watched my employer replace us with scabs, other unions cross my picket line, and even some of our own members have crossed the line. The whole union movement would be seriously damaged if this \$200 was reduced.

It's really hard to swallow the idea that \$200 per week is too much for a member out on strike. I suggest you ask R.V. Durham to stop taking his pay check and start living on \$200 per week. Maybe that won't be a problem for him because he can live off his expense account. I am sick and tired of listening to the fat cats that live in the comfort zone who are completely oblivious to the needs of the rank and file.

For those of you that think a strike can't happen to you, better think again. I believe that President Carey's remarks about \$2 per week per member is a small price to pay to keep the strike fund afloat. Remember, when a strike movement fails the snowball starts falling down hill and sooner or later that snowball will roll over you.

Michael Tourigian
Local 331
Pleasantville, N.J.

Stop Overpaid Local Officers

It's true that the International doesn't have enough money to carry out its mission during these tough times, but not because Teamsters are paying less dues than members of other unions. In some locals Teamsters are paying much more than two times their hourly rate each month at the same time some

officials collect multiple salaries along with fat expense accounts while they await their multiple pensions.

After the 1976 International Convention took away the members' right to set the minimum dues, the automatic dues increases resulted in my local becoming awash in surplus dues money. In time, that money was used to increase officers' salaries to nearly double the members' average pay. Now pinky rings, gold chains and Hollywood hair cuts are part of the officers' dress code. Becoming an officer became an upward career move away from the ordinary member who now saw the union as another hand in his pocket.

If the IBT advocates increasing the dues burden on the ordinary Teamster, then let it also lead the members and sympathetic officials in a campaign to pressure high-spending officials to stop it or get out!

Bob Mattingly
Local 896, retired
Oakland, Calif.

Thanks for Help on Pension Petition

The response to my request from the readers of *Convoy Dispatch* to help in getting signatures on my COLA for retirees petition was overwhelming. So much so that it's almost impossible to thank each person individually. I want to thank the many individuals who did help me, and collectively got almost 7,000 signatures. I'm in the process of seeing they get to the proper people to do the most good. I think the COLA is still one of the most important problems facing the retiree today.

Herb Snyder
Local 24, retired
Akron, Ohio

Local 773 Bylaws

Since I was not contacted for comment on your article "Bylaw Reform Spreads" (May 1993), I would like to take this opportunity to set the record straight. The "resistance" to which you refer consisted of the exercise of my democratic right to freely debate the issues on the merits. Several amendments carried my endorsement.

The entire process was carried out in the most democratic fashion possible. Advance copies of the proposed amendments were distributed to all shop stewards and any interested members by mail and proper meeting notices were given. Copies of the proposed and current bylaws were supplied to every member at the meeting. Extra floor microphones were supplied and special rules adopted and fairly enforced to ensure a well informed vote. Where required, secret ballots were employed.

No special mailing stating my position was sent.

No one was brought into the local

to endorse my position.

No officers or business agents lobbied members to vote for my position.

I did not invoke Ron Carey's name in support of my position.

All of the above tactics were used by TDU members in support of the amendments in controversy.

A healthy democracy is more than mobilization of small groups for specific short term purposes; it also involves respect for the minority opinion and a willingness to compromise to achieve a broad based consensus.

Brad Yeakel
Local 773 Secretary-Treasurer
Allentown, Pa.

Hammond on Local 988 Roof Debate

I am writing in regard to an article in the May 1993 *Convoy Dispatch*.

First, I would like to say that the individual that wrote the article is not a member of Teamsters Local 988 and has not been a member for a long time.

Second, he stated the assessment vote was passed by the membership by a two to one margin; in fact, it was approved by over a three to one majority, by secret ballot.

Third, he makes several references to LOW VOTER turnout; 400 members at a meeting, plus absentee voting, is far from a low turnout.

Fourth, Crawley implies, without saying so, that the membership may not have been notified. In fact, the membership voted in March to determine the amount of assessment and voted to submit the issue in the April meeting to insure that sufficient notice was given. Notices were posted on all bulletin boards and provided to the job stewards several weeks in advance of the meeting.

Fifth, Crawley states that in 1984, \$50,000 was raised by assessment to "FIX THE SAME ROOF." This is a totally FALSE statement. \$15,000 NOT \$50,000 was raised to make repairs to only the portion of the roof covering the office area of the building, approximately one-half of the roof system. Nothing was done to the roof over the AUDITORIUM which is now THIRTY YEARS OLD.

Legitimate bids are being taken from union contractors as well as from members of Local 988 who also have roofing companies. Every penny raised will be used to repair our roof and building. Mr. Crawley needs to get the facts straight.

Richard Hammond
President-Business Manager
Local 988, Houston

Crawley Responds

I am responding to Richard Hammond's letter. He states that I am not a union member and have not been for a long time. I have furnished my canceled checks as proof to you that I am and have been a

member since 1978 in Local 988. The only true statement Hammond makes is that the roof on our union hall is 30 years old. But he should remember he has been in charge over 20 of those 30 years, had several assessments to fix the roof, charges members 2.5 times their hourly rate for dues, and after 20 years still didn't get the roof fixed.

Hammond says bids are being taken from union contractors. That's good. He says every penny raised will go to the roof and building. That's what the membership wants, some accountability. The problem is there's been no accountability. What Hammond says and what he does are usually two different things, because if his lips are moving he's lying.

Chuck Crawley
Local 988, Houston

TDU Meets

ARIZONA

Friday, June 11
7 p.m.
Embassy Suites
3210 N. Grand Ave., Phoenix

ATLANTA

Saturday, June 12
6 p.m. (note new time)
Forest Park Recreation Dept.
803 Forest Pkwy., Forest Park, Ga.

EAST BAY

Saturday, June 12
1 p.m.
Oakland Holiday Inn
Hegenberger Rd. & 880 Freeway
Oakland, Calif.
Call (510) 562-5311 for directions

FRESNO, CALIF.

Tuesday, June 15
7 p.m.
Dicicco's
West Clinton

JACKSONVILLE, FLA.

Saturday, June 12
10 a.m. - noon
Holiday Inn
I-295 & Commonwealth Ave.

MILWAUKEE

Sunday, July 18
8:30 a.m.
Security Bank
6645 Oklahoma
(67th & Oklahoma)

MODESTO, CALIF.

Monday, June 14
6:30 p.m.
Delhart's Restaurant
1515 Herndon Rd.
Ceres, Calif.

OKLAHOMA CITY

Saturday, June 19
Time and place to be announced

SACRAMENTO, CALIF.

Sunday, June 13
11 a.m. to 1 p.m.
Clunie Community Center
F St. & Alhambra

SEATTLE

Saturday, June 12
9 a.m.
El Centro de la Raza
2524 16th Ave. South

1993 TDU RANK & FILE CONVENTION

Oct. 29-31
Westin William Penn
Pittsburgh

Plan now to attend!
Watch future issues of
Convoy Dispatch for
more information.

YOU STOLE THEIR UNION!

That's right, the old guard officials see it that way, and are planning to take it back!

They are not happy about the direction of the New Teamsters. They don't want the members put first; they don't want our union's financial priorities realigned; they don't want information coming out of the union to the rank and file; they don't want the union to be a force for the working Teamster, but for themselves and their cronies.

The historic '91 election started the New Teamster Revolution. The doors of the Marble Palace were thrown open to the rank and file. But that revolution has only begun, and the doors could be slammed shut before much has changed.

Old guard losers like R.V. Durham, Jerry Cook, Jack Yager, Larry Brennan and Mike Riley are trying to subvert the New Teamsters at every step. Their unsigned sheets attack Carey for the financial mess they left behind. Instead of helping with New Teamster campaigns, they work to undermine them.

They target Ron Carey and TDU, but their real goal is to defeat someone bigger. That's you, the rank and file Teamsters. Believe it.

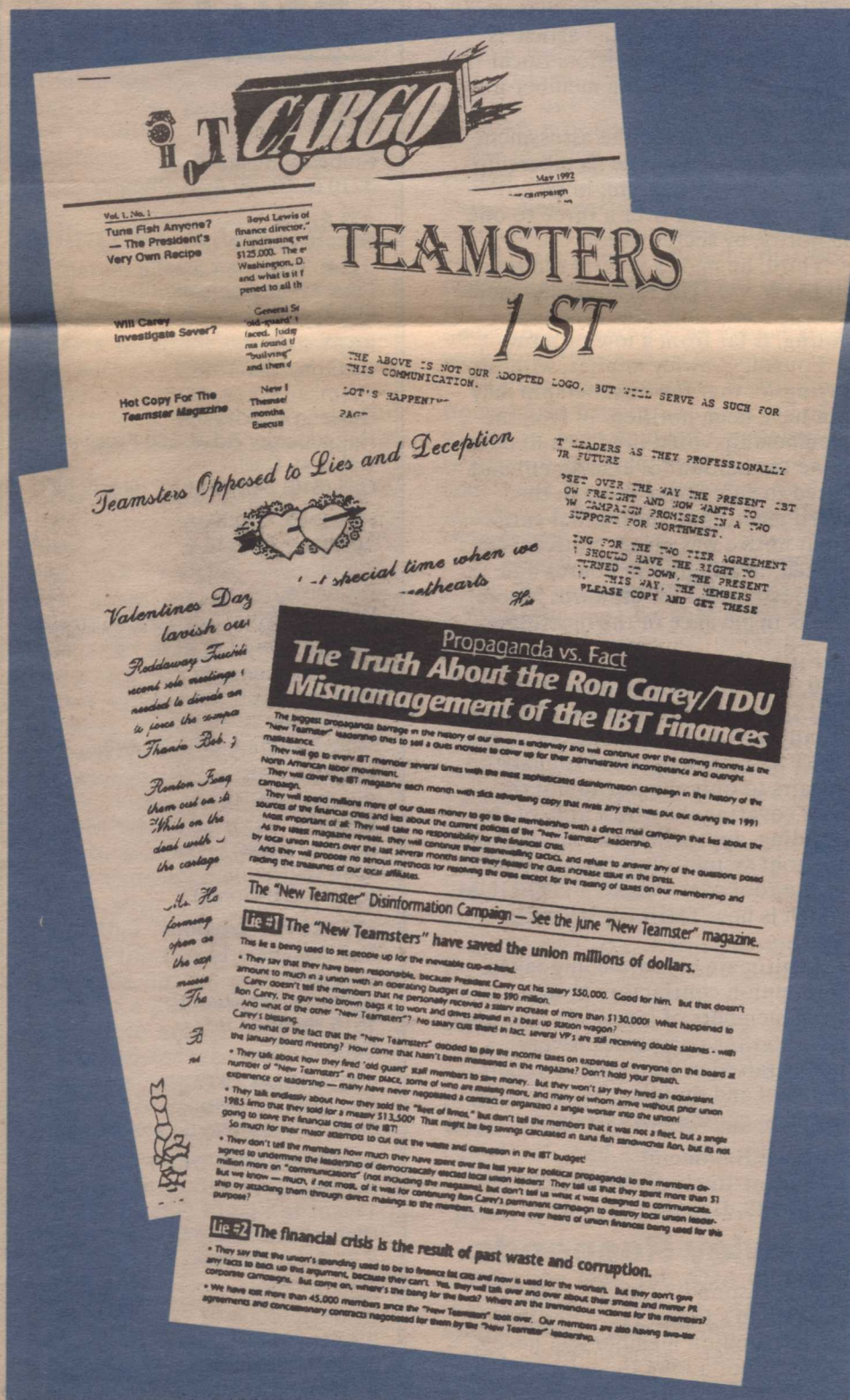
Rank and file Teamsters started this revolution, and you need to defend it and continue it. TDU organizes it. Ron Carey leads the New

Teamsters. But the rank and file are the motor.

It is you they want to confuse, divide and defeat. And it is you that can make sure they crawl back in their holes as our Teamster revolution moves forward.

What Can You Do?

- Don't be confused by their attacks on Carey, TDU or the New Teamsters. All of a sudden those who raped our union treasury and ran our union downhill are so concerned to save us? Not likely.
- Get involved in your local union. The old guard control the bulk of our union's apparatus through our locals and joint councils. Carey can't change that. You can. If you are organized through TDU.
- Educate yourself about our union. Study the June *New Teamster* magazine section on our union financial crisis, for example. Become a Teamster who knows the issues and talks to our fellow Teamsters. TDU has educational materials and programs to help.
- Participate in campaigns, such as the UPS contract campaign, organizing campaigns, and other new programs.
- And support the movement that organizes the rank and file into a force to be dealt with—in our locals, contracts, and in the IBT as a whole. That movement is TDU. Your \$35 is a small investment to become part of the solution.
- **JOIN TDU TODAY!**



JOIN TDU

Don't delay!
The TDU movement needs your support now.
TDU MEMBERSHIP APPLICATION

Name _____ Local # _____

Address _____

City _____ State _____ Zip _____

Phone () _____ Company _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production
☐ Other _____ Optional: Spouse's name _____

☐ \$35 one-year's membership & subscription to *Convoy Dispatch*.
☐ \$85 three-year membership fee. (\$10 shall be rebated to the local chapter.)
☐ \$20 for spouses, retirees and Teamsters who gross less than \$17,000 a year.

☐ Check or money order
☐ Mastercard/Visa # _____ Exp. date ____/____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210
TDU membership is kept confidential from employers and union officials.
TDU solicits and accepts membership applications and donations only from Teamsters, and from individual retired Teamsters and spouses who are not employers.